

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF KINGS : CRIMINAL TERM : PART 21

- - - - -X

THE PEOPLE OF THE STATE OF NEW YORK : INDICTMENT NO.
3599/2015

- against - :

TYQUAN JACKSON AND RYAN FORDE :

DEFENDANTS : PLEA

- - - - -X

320 JAY STREET
BROOKLYN, NEW YORK 11201

JUNE 15, 2016

BEFORE: HONORABLE JOHN G. INGRAM,
JUSTICE

APPEARANCES:

KENNETH P. THOMPSON, ESQ.
District Attorney, Kings County
BY: DANIELLE REDDAN, ESQ.
ROSS YAGGY, ESQ.
Assistant District Attorneys

CRAIG NEWMAN, ESQ.
Attorney for Defendant Forde
26 Court Street - Suite 1406
Brooklyn, New York 11242

CHRISTOPHER BOOTH, ESQ.
Attorney for Defendant Jackson
11 Broadway - Suite 1504
New York, New York 10004

LAUREN K. GANZMAN
SENIOR COURT REPORTER

TJ004285

PROCEEDINGS

2

1 THE CLERK: This is an add-on to the Part 21
2 calendar, number five, Indictment 3599 of 2015, in the
3 matter of Tyquan Jackson and Ryan Forde.

4 Counsel, your appearance.

5 MR. NEWMAN: On behalf of Mr. Forde, Craig
6 Newman, 26 Court Street, suite 1406, Brooklyn, New York.

7 Good afternoon.

8 MR. BOOTH: Lipman and Booth, by Christopher
9 Booth, for Tyquan Jackson.

10 Hi, Judge.

11 MS. REDDAN: Danielle Reddan, R-E-D-D-A-N, for
12 the Office of the District Attorney.

13 MR. YAGGY: Ross Yaggy, Y-A-G-G-Y, for the Office
14 of the District Attorney.

15 Good afternoon.

16 THE COURT: Good afternoon, all counsels.

17 I understand counsel wanted to discuss
18 scheduling, so I take it you'll waive your clients'
19 appearances?

20 MR. NEWMAN: Yes, Judge.

21 MR. BOOTH: Yes, sir, waiving my client's
22 appearance.

23 THE COURT: I know it's going to be sent to me
24 for hearings, we'll start at 2:15, 2:20 today, and it's a
25 two-witness hearing; is that right?

PROCEEDINGS

3

1 MS. REDDAN: No, your Honor. We have two
2 witnesses who are here today. We have an additional
3 witness tomorrow, who will be very short tomorrow. He's
4 notified. And then I believe defense counsel also stated
5 they have a witness for tomorrow on standby as well.

6 THE COURT: Great. As you probably know, because
7 the great line is very quick around here, we just had a
8 verdict in a case, so I'm open now. I do understand that
9 it's sent to me for hearings only today and tomorrow, that
10 counsel, and I'm not certain whether it's all counsel or
11 some counsel, do have issues regarding trial date or dates,
12 so I understand in order to save some time today, counsel
13 has asked we have this scheduling conference and,
14 certainly, I will keep the case for trial.

15 I see from the ready sheet that defendant Jackson
16 is offered CPW 2, three-and-a-half years' determinate
17 sentence, with five-years' post-release supervision. I
18 take it it's GORA registration, et cetera, and I see that
19 defendant Forde, F-O-R-D-E, is offered Attempted CPW 2, is
20 that five years?

21 MS. REDDAN: Five-years' jail, five-years'
22 post-release supervision; yes, Judge.

23 And just to preserve the record, there wasn't
24 enough space on there, so I made an error on Jackson's
25 offer. Criminal Possession of a Controlled Substance in

PROCEEDINGS

4

1 the Fifth Degree and one-and-a-half-years' jail, two-years'
2 post-release supervision, \$1,654 in forfeiture, and those
3 to run concurrent to each other, and he was also sentenced
4 on two BTC cases a couple months ago to two years, and we
5 ask those to run concurrent to those sentences as well.

6 THE COURT: Sounds like a nice package.

7 MS. REDDAN: Yes.

8 THE COURT: In other words, he would be doing a
9 total of three-and-a-half years and everything is wrapped
10 into it?

11 MS. REDDAN: Four convictions, yes.

12 THE COURT: And of, course, the post-release
13 supervision is five years and there is a forfeiture of
14 \$1,654 U.S. dollars. As we used to say in the Bronx,
15 people were going to buy a car, that's why they had so much
16 cash on them. Do you remember those days?

17 MR. BOOTH: I do, Judge, very well.

18 THE COURT: Counsel, we can go off the record and
19 possibly discuss this trial, the dates, or if you want to
20 stay on the record?

21 MR. NEWMAN: Just on the record, Judge, I think
22 the change in offer today is for my client?

23 MS. REDDAN: We're going to give a one-time offer
24 to defendant Forde for CPW 3, three to six years.

25 THE COURT: Oh, three to six now?

PROCEEDINGS

5

1 MS. REDDAN: It's a one-time offer for today,
2 prior to hearings.

3 THE COURT: So, in other words, and I'm sure
4 that's what counsel wanted to know -- I'm going to ask if
5 the baby does cry, please take him out automatically,
6 without having a court officer tell you to take him out.
7 We welcome everybody to our court, but if the baby acts up,
8 you have to take him out. Thank you very much.

9 So, counsel, I'm sure you want to be able to
10 convey that to your client then?

11 MR. NEWMAN: Yes, your Honor.

12 THE COURT: As soon as the first witness steps in
13 the box this afternoon, the CPW 3 -- what was it?

14 MS. REDDAN: Three to six, your Honor.

15 THE COURT: Three to six is off the table. Okay.
16 Thank you for clarifying that, sir.

17 MR. NEWMAN: We can go off the record, Judge, if
18 you want, for calendaring.

19 THE COURT: Fine. Off the record.

20 (Off-the-record discussion held at the bench)

21 THE COURT: We're adjourning until 2:20 and to
22 fix a trial date.

23 * * * * *

24 (At this time, a luncheon recess was taken, and
25 the hearing adjourned to 2:20 p.m.)

PROCEEDINGS

6

A F T E R N O O N S E S S I O N

THE CLERK: Recalling number five, Indictment
3599 of 2015, in the matter of Tyquan Jackson and Ryan
Forde.

MR. NEWMAN: Craig Newman, on behalf of
Mr. Forde.

MS. REDDIN: Danielle Reddin, for the People.

MR. YAGGY: Ross Yaggy, Y-A-G-G-Y, for the
People.

MR. NEWMAN: I think we have a disposition,
Judge.

MS. REDDIN: Yes, Judge.

THE CLERK: Just in the matter of Ryan Forde.
Second call on Jackson.

(SECOND CALL)

* * * * *

PROCEEDINGS

19

1
2
3 (Whereupon proceedings pertaining to defendant
4 Forde were stenographically recorded but are not being
5 transcribed at this time)
6
7

8 THE CLERK: Recalling number five, Indictment
9 3599 of 2015, counsel.

10 MR. BOOTH: Lipman and Booth, by Christopher
11 Booth, for the defendant.

12 MS. REDDIN: Danielle Reddin, for the People.

13 MR. YAGGY: Ross Yaggy, for the People.

14 THE COURT: Very well. The Court notes the
15 presence of the defendant. I do want to put on the record
16 this matter was sent to me this morning around 11:45. I
17 was trying to get the hearings going this morning, but
18 because of scheduling, I did meet with defense counsel and
19 the prosecutors to discuss scheduling of the three
20 witnesses that the People have for both hearings -- for
21 both defendants. Defense counsel waived the defendant's
22 appearance. I said I would put on the record anything that
23 was discussed.

24 The People indicated that they had a -- the
25 People indicated what their offer was for defendant

PROCEEDINGS

20

1 Jackson, as well as defendant Forde.

2 People, do you want to state on the record what
3 your offer is to defendant Jackson and the reason why you
4 apparently have come off the possible original offer?

5 MS. REDDIN: Yes, Judge.

6 My offer for defendant Jackson today is Criminal
7 Possession of a Weapon in the Second Degree, Count 1 on the
8 indictment, three-and-a-half years' jail. Originally, it
9 was five-years' post-release supervision, I will be
10 changing that to three-years' post-release supervision for
11 this one-time offer as a courtesy to Mr. Booth; he asked me
12 for that. Criminal Possession of a Controlled Substance in
13 the Fifth Degree, which is Count 10, and one-and-a-half
14 years' jail and two-years' post-release supervision, \$1,654
15 in forfeiture money and a waiver of appeal. Those two
16 counts are to run concurrent to each other and to run
17 concurrent to the defendant's three sentences on three
18 separate indictments, two BTC cases and one V.C.E. case,
19 where he received two years, and they are all running
20 concurrent to each other.

21 The reason for this offer, your Honor, is
22 because, in this case, while the defendant was out pending
23 sentence for his BTC cases, he was in possession of a
24 loaded pistol in this case, as well as over 500 milligrams
25 of crack cocaine which was recovered from his person at the

PROCEEDINGS

21

1 precinct following his arrest. That is a felony count for
2 cocaine. So the People's offer is to run concurrent to his
3 violation sentence of two-years' jail on the BTC cases.

4 If the defendant would choose not to avail
5 himself of this offer today, the People, if we prevail,
6 will be taking the offer off the table and if we prevail at
7 trial, will be asking all the counts he's convicted of to
8 be running consecutive to each other.

9 THE COURT: I understand, and, counsel, you can
10 correct me if I'm wrong, that the maximum sentence that
11 this defendant could receive for the top count of this
12 indictment, Criminal Possession of a Weapon in the Second
13 Degree, is 15 years, maximum; isn't that correct?

14 MS. REDDIN: Yes, Judge.

15 MR. BOOTH: Correct.

16 MS. REDDIN: On the CPW 2 count.

17 THE COURT: And the other, if he was convicted of
18 the Criminal Possession of a Controlled Substance in the
19 Seventh Degree -- I'm sorry --

20 MS. REDDIN: In the Fifth Degree, your Honor.

21 THE COURT: In the Fifth Degree, that would be
22 consecutive as well.

23 MS. REDDIN: We would be asking for it
24 consecutive and consecutive to the pleas he's already taken
25 and been sentenced on on the BTC and V.C.E. cases.

PROCEEDINGS

22

1 THE COURT: I know the People have two witnesses
2 here today?

3 MS. REDDIN: Yes, Judge.

4 THE COURT: And we can proceed. I'm a trial
5 judge, as you all know. And I'm ready to proceed to trial.
6 I know Mr. Booth from prior trials and cases; I know him to
7 be a very competent trial lawyer. The D.A.'s before me are
8 both experienced prosecutors. As I say, I know very, very
9 little about this case. I do not make any threats and I do
10 not make any promises. I will go along with the People's
11 recommendation/offer.

12 The Court wishes to say to the defendant that one
13 of three things happens after a trial. The jury may not be
14 able to agree, it's called a hung jury, we do it all over
15 again. I just finished a trial late this morning, a
16 two-week trial on a homicide, the defendant chose not to
17 avail himself of the People's offer and he was convicted of
18 the top count, Manslaughter in the First Degree, and he is
19 facing considerable jail time.

20 The jury can find you guilty of some or all of
21 the charges on this indictment and then you deal with me
22 and, certainly, I make no threat or promise as to what the
23 promised sentence would be because I don't know anything
24 about you and I don't know anything about the case, so I
25 make no threat or promise. Usually, the sentence after

PROCEEDINGS

23

1 trial is considerably greater than what the People's offer
2 is.

3 The third thing that could happen, they could
4 find you not guilty and you go home and have a wonderful
5 life, but you still apparently have other matters to
6 contend with from Brooklyn Treatment Court and wherever
7 else.

8 There was a wonderful judge who possibly some of
9 the senior court officers may remember, Judge Thompson, who
10 went to the Appellate Division. Judge Willie Thompson, who
11 used to say that before there is a verdict, a trial judge
12 can give mercy. Mercy is what the People recommend and
13 what the judge imposes. But after there is a verdict and
14 if that verdict is guilty, then the accused gets justice
15 and usually justice is a lot more than mercy. But, again,
16 I don't know anything about you, I'm hearing just little
17 smidges here and there and I'm told by the prosecutor and
18 I'm also told by Mr. Booth that he understands that if you
19 don't take this offer, it's up to you, the offer is going
20 off the table. Meaning, if they prevail at the hearing,
21 we'll set it down for a trial date, possibly sooner than
22 later.

23 Now, I know Mr. Booth told me he has one or two
24 other matters pressing, other judges are pushing him to
25 trial, but we would get a trial date, I believe in the next

PROCEEDINGS

24

1 couple of weeks. I'm open for trial right now. I was
2 presuming I was going to start this trial.

3 So the decision, defendant, is a very important
4 decision for you to make. And so often, we trial judges,
5 we get what are called 440s from people who are convicted
6 and are usually very far Upstate where they have two
7 seasons, July and winter, and those people say that, gee
8 whiz, I didn't fully understand what the D.A.'s offer was;
9 my lawyer didn't advise me; the lawyer didn't discuss it
10 with me; had I really known what the offer was, I would
11 have taken it, and, gee whiz, I'm up here way up in the
12 State of New York; gee whiz, Judge, I want the D.A.'s
13 offer. I shouldn't have been found guilty. I was guilty
14 but I didn't do it, whatever.

15 We see these things in papers. A lot of times
16 they're pro se, written by the defendant. Sometimes they
17 have the help of lawyers, but I always feel that the person
18 who is facing the Bar of the Criminal Justice System should
19 be fully aware of the consequences of their plea or their
20 refusal to plea. There's one person in this courtroom
21 right now who knows what did or did not occur on May 10,
22 2015, in the County of Kings. Possibly there may be some
23 witnesses outside who think they know what happened and
24 I'll certainly hear from them.

25 I want you to know, I am prepared to go forward

PROCEEDINGS

25

1 right now. If you want another minute to talk to your
2 attorney, fine. If you don't and you understand what the
3 offer is and you don't want it, that's fine by me because
4 we are -- when I say "we," the Court, the staff, are ready
5 to proceed with the hearing.

6 So any questions, sir?

7 MR. BOOTH: Your Honor, I just want to add one
8 thing for the record. Over the lunch break, ADA Reddin
9 provided me with some new evidence regarding Facebook
10 pictures and listings which are bad for the defendant.
11 I've discussed those with the defendant, I have discussed
12 strategy, I have discussed our witness who is on alert. I
13 am fully prepared to go ahead with the case, although I
14 have offered my client my advice, which was that he should
15 accept the offer. I would also indicate for the record his
16 mother is in the audience and it's her position that he
17 should accept the offer, but at the end of the day, it's
18 his decision. I agree with the Court. Just let me have a
19 minute.

20 MS. REDDIN: Yes, Judge, if I could just make a
21 record about the Facebook?

22 THE COURT: Hold on, the D.A. wants to say
23 something.

24 MS. REDDIN: There was a warrant done on the
25 defendant's Facebook, it's over five thousand pages long,

PROCEEDINGS

26

1 so I do have to go through it, I just received it recently.
2 I was casually going through, over lunch, in which defense
3 counsel called me and I let him know there were some photos
4 of some guns. It is multiple guns on his Facebook page
5 there are pictures of. There are also random photographs
6 of the defendant engaging in drug-related activity and a
7 lot of conversations regarding drug-related activity as
8 well. I do have to go through it and redact what is proper
9 and turn over whatever is proper to defense counsel prior
10 to trial.

11 Just so the defendant knows, it is his Facebook
12 account and I'm sure he knows what is on it, but we did do
13 a Facebook warrant and I have over five thousand pages on
14 Facebook.

15 THE COURT: I just want to be clear. You said if
16 the defendant chooses not to avail himself of the People's
17 offer, then the offer is off the table; is that correct?

18 MS. REDDIN: That's correct.

19 THE COURT: So that means if the first witness
20 walks in here, raises his or her hand and swears to tell
21 the truth, the offer is off?

22 MS. REDDIN: The offer is off the table, we are
23 asking for it to be consecutive. So even if he only got
24 convicted of Criminal Possession of a Weapon in the Second
25 Degree and is given the minimum of three-and-a-half, it

PROCEEDINGS

27

1 would run following the two years he's already doing, so a
2 total of five-and-a-half years for what' he's incarcerated
3 for now, and that's the minimum.

4 (Whereupon defense counsel conferred with the
5 People)

6 MR. BOOTH: Your Honor, I've spoken to my client
7 about all of these different things and after consulting
8 with me and listening to the record, he wishes to accept
9 the plea offer.

10 THE COURT: Very well. So do you want to state
11 on the record again so then defense counsel can make his
12 application, so we get it clear?

13 MS. REDDIN: Sure, Judge.

14 People's offer is Criminal Possession of a Weapon
15 in the Second Degree, which is Count 1 on the indictment,
16 three-and-a-half years' jail, three-years' post-release
17 supervision and Criminal Possession of a Controlled
18 Substance in the Fifth Degree, which is Count 10 on the
19 indictment, one-and-a-half years' jail, two-years'
20 post-release supervision, the forfeiture of \$1,654 and
21 waiver of appeal. Those two counts are to run concurrent
22 to each other and the defendant's two BTC sentences of
23 two-years' jail and V.C.E. sentence of two-years' jail.

24 THE COURT: All concurrent?

25 MS. REDDIN: That is all concurrent.

PROCEEDINGS

28

1 Your Honor, defense counsel mentioned there is an
2 issue of possible forfeiture. I'm not going to ask the
3 defendant sign the forfeiture forms today. They are
4 alleging they have proof that that money was given to him
5 from a legitimate source, so before the sentencing, if I am
6 given that proof that it came from a legitimate source and
7 can verify it, then I'll take that off the table, but right
8 now, I'm including it because I don't have that paperwork
9 yet.

10 THE COURT: Mr. Booth, you can explain to your
11 client, he looks like a pretty savvy guy, I am going to
12 make it part of my sentence, but if you and your client are
13 able to provide proof to the assistant district attorney
14 that that \$1,654 was from a legitimate source, then I will
15 not pursue -- require him to sign the forfeiture papers.
16 But it behooves you and your client, as well as the
17 client's family, who look to be very attentive and very
18 responsible, if they can assist you in that regard, that
19 would make sense to do it in advance of the date of
20 sentencing. Do you understand that?

21 MR. BOOTH: I do, your Honor.

22 MS. REDDIN: Just because of the Facebook, there
23 are numerous photographs, it's actually the defendant's
24 cover photo right now, is him with hundreds of dollars
25 spilled across his lap, so the People will be investigating

PROCEEDINGS

29

1 as to whether or not this is legitimate, whether or not,
2 regardless of the paperwork given to us, we will be
3 investigating into it.

4 THE COURT: Very well. So you understand that?

5 DEFENDANT JACKSON: Yes.

6 THE COURT: Very well.

7 MR. BOOTH: One other item. I understand there's
8 the Gun Offender Registration that requires -- that goes
9 along with this plea. I have reviewed the form with the
10 defendant and gone over the things that he must do, so we
11 understand that is going to be an additional component to
12 the plea.

13 THE COURT: Very well. And the Court looked into
14 this matter and there is what they call the GORA fee, but
15 that fee is only imposed if he should fail to register
16 timely; correct, D.A.?

17 MS. REDDIN: Yes, Judge.

18 THE COURT: That's apparently on the form as
19 well.

20 MR. BOOTH: Your Honor, with that understanding,
21 my client has authorized me to withdraw his
22 previously-entered plea of not guilty and today plead
23 guilty to Criminal Possession of a Weapon in the Second
24 Degree and Criminal Possession of a Controlled Substance in
25 the Fifth Degree as articulated by the prosecution and with

PROCEEDINGS

30

1 all the terms and conditions the Court will set forth.

2 THE COURT: Very well. And that's Count 1 and
3 Count 10 of this indictment.

4 Now, counsel, is your client a U.S. citizen?

5 MR. BOOTH: Yes, he is.

6 THE COURT: Very well. Let's swear the defendant
7 and we'll take his plea.

8 THE CLERK: Sir, raise your right hand.

9 Do you swear or affirm to tell the truth, the
10 whole truth and nothing but the truth, so help you God?

11 DEFENDANT JACKSON: Yes.

12 THE CLERK: Thank you, you may put your hand
13 down.

14 Please state your name for the record.

15 DEFENDANT JACKSON: Tyquan Jackson.

16 THE CLERK: Thank you.

17 THE COURT: Mr. Tyquan Jackson, do you speak and
18 understand English?

19 DEFENDANT JACKSON: Yes.

20 THE COURT: Are you on any medication, drugs,
21 alcohol or any other substance that would interfere with
22 you making a knowing and voluntary plea herein?

23 DEFENDANT JACKSON: No.

24 THE COURT: Are you a citizen of the United
25 States of America?

PROCEEDINGS

31

1 DEFENDANT JACKSON: Yes.

2 THE COURT: Have you heard the application made
3 by your attorney, Mr. Booth, wherein he has moved this
4 Court to allow you to withdraw your previously-entered plea
5 of not guilty to all of the charges contained in this
6 Indictment 03599 of 2015, the top count being Criminal
7 Possession of a Weapon in the Second Degree, and now plead
8 guilty to Count 1, Criminal Possession of a Weapon in the
9 Second Degree, and Count 10, Criminal Possession of a
10 Controlled Substance in the Fifth Degree, in full
11 satisfaction of all charges against you under this
12 indictment; is that what you wish to do?

13 DEFENDANT JACKSON: Yes.

14 THE COURT: Are you satisfied with the services
15 of your attorney?

16 DEFENDANT JACKSON: Yes.

17 THE COURT: Has anyone threatened you or forced
18 you into taking this plea?

19 DEFENDANT JACKSON: No.

20 THE COURT: Now, do you understand that when you
21 do plead guilty, you give up certain rights, that is, the
22 right to a trial by jury or by this Court on the question
23 of your guilt or innocence; your right to remain silent;
24 your right not to incriminate yourself; your right to have
25 your attorney confront, that is, ask questions of any of

PROCEEDINGS

32

1 the government's witnesses and also call witnesses in your
2 own behalf and you also give up your right to have the
3 People of the State of New York by the District Attorney's
4 Office of Kings County prove every element of the
5 government's case against you beyond a reasonable doubt.

6 Do you knowingly and voluntarily give up all of
7 those rights?

8 DEFENDANT JACKSON: Yes.

9 THE COURT: Has anyone threatened you or forced
10 you into taking the plea?

11 DEFENDANT JACKSON: No.

12 THE COURT: Now, even though you do plead guilty,
13 part of the People's offer is that you must waive, that is,
14 give up your right to appeal the conviction and the
15 sentence. So there is a form in front of you. I want you
16 to go over that form with your attorney. If you have any
17 questions regarding that form, ask him, but then if you
18 agree to that, that is, to give up all your rights, you
19 sign that form. I still will ask you questions because I
20 have to be complete that you understand what you're giving
21 up; I have to be fully satisfied that you're making a
22 knowing and voluntarily waiver of your right to appeal. So
23 go over it with your attorney, read it. If you agree to
24 it, sign it.

25 (Whereupon defense counsel conferred with the

PROCEEDINGS

33

1 defendant)

2 MR. BOOTH: Your Honor, I reviewed the waiver of
3 appellate rights with my client; I've answered his
4 questions; he and I have executed it.

5 THE COURT: Very well. Mr. Jackson, do
6 understand that by waiving your right to appeal the
7 sentence and conviction, that means that you cannot appeal
8 to a higher court, that would be the Appellate Division or
9 the Court of Appeals of the State of New York or to any
10 Federal Court or any other court; do you understand that?

11 DEFENDANT JACKSON: Yes.

12 THE COURT: In other words, it is final after you
13 take this plea and I sentence you. In other words, you
14 cannot appeal any decision by any other judge in this Court
15 that may have touched this case dealing with grand jury
16 matters or any other decision by any other judge or
17 magistrate in this Court or the lower court.

18 Do you understand that?

19 DEFENDANT JACKSON: Yes.

20 THE COURT: Okay. So the Court, having examined
21 the defendant in open court, the Court having observed
22 Mr. Booth conferring with his client, the Court noting that
23 both the defendant and Mr. Booth have signed this written
24 waiver of right to appeal, the Court having examined, that
25 is, asked the defendant questions in open court, it is this

PROCEEDINGS

34

1 Court's opinion that the defendant has made a knowing,
2 intelligent and voluntary waiver of his right to appeal the
3 conviction or any decisions by this Court and any -- and
4 the sentence that will be imposed on this defendant. The
5 Court has signed same this sixteenth day of June and it may
6 be distributed by one of our fine court officers.

7 (Document handed to counsel)

8 THE COURT: Very well. Now, sir, is it true that
9 on or about May 10, 2015, in the County of Kings, that is,
10 Brooklyn, New York, you knowingly and unlawfully possessed
11 a loaded firearm, namely, a pistol, and such possession was
12 not in your home or place of business; is that true?

13 DEFENDANT JACKSON: Yes.

14 THE COURT: What type of weapon was it?

15 MS. REDDIN: A .25-caliber pistol, color is
16 black.

17 THE COURT: Is that true, a .25-caliber pistol,
18 colored black?

19 DEFENDANT JACKSON: Yes.

20 THE COURT: Very well. Now, is it also true that
21 on or about May 10, 2015, in the County of Kings, that is,
22 Brooklyn, New York, you knowingly and unlawfully possessed
23 cocaine and said cocaine weighed 500 milligrams or more?

24 DEFENDANT JACKSON: Yes.

25 THE COURT: Was that crack cocaine?

PROCEEDINGS

35

1 DEFENDANT JACKSON: Yes.

2 THE COURT: Okay. Now, has anyone made any
3 promise to you, that is, your attorney, the assistant
4 district attorney or anyone else, as to what the promised
5 sentence of this Court will be other than on the day of
6 sentence, I will sentence you to a determinate term in
7 State prison for three-and-one-half years, to be followed
8 by three-years' post-release supervision on Count 1,
9 Criminal Possession of a Weapon in the Second Degree. In
10 addition, under that sentence, for the weapon, there is Gun
11 Offender Registration Act requirements which I know your
12 attorney has gone over with you, the form, which will
13 require you to do certain things upon release from State
14 prison, so you'll have to follow that.

15 There will be mandatory fines and surcharges in
16 this matter of \$300, plus a \$25 Crime Victim's Assistance
17 fee, plus a \$50 DNA registration fee, all of which will be
18 deducted from your commissary account while you are
19 incarcerated and will be made a criminal fine upon your
20 release; I am not waiving same.

21 In addition, the promise of this Court is that on
22 the plea to the Criminal Possession of a Controlled
23 Substance in the Fifth Degree, which is Count 10, I will
24 sentence you to an indeterminate term in State's prison of
25 one-and-a-half years to two years -- no, one-and-a-half

PROCEEDINGS

36

1 years, a determinate term, to be followed by two-years'
2 post-release supervision and those sentences will run
3 concurrent. In other words, the one-and-a-half will run
4 current with the three-and-a-half.

5 In addition, there is a forfeiture of \$1,654,
6 which, presumably, was money found upon you at the time of
7 the arrest. The forfeiture papers will be presented at the
8 time of sentencing. Your attorney has advised the Court,
9 and the D.A. has advised the Court, that if you're able to
10 show that that money is from a legitimate source and the
11 D.A.'s investigation of that source meets their
12 satisfaction, then the forfeiture won't be part of this.
13 If the D.A. feels that, based upon their investigation,
14 that that money is presumably in the custody of the police
15 department property clerk --

16 MS. REDDIN: Yes, Judge, it was vouchered.

17 THE COURT: Yes, if that is found to be from
18 illegitimate sources, that will be forfeited on the day of
19 the sentencing. Do you understand that to be the promised
20 sentence of the Court on this matter?

21 DEFENDANT JACKSON: Yes.

22 THE COURT: Okay. In addition, this Court has
23 been advised that you have two separate sentences for
24 Brooklyn Treatment Court.

25 MS. REDDIN: Yes, Judge. Actually, I wanted to

PROCEEDINGS

37

1 clarify the record with the indictment numbers for those --

2 THE COURT: In addition, there would be a
3 six-month driver's license suspension, if you have a
4 driver's license, in connection with the weapons violation.

5 Do you have a driver's license?

6 DEFENDANT JACKSON: Learner's permit.

7 THE COURT: Okay. Since you don't have a
8 license, we'll just have to tell you what it would be.

9 Go ahead.

10 MS. REDDIN: So the BTC cases he received a
11 sentence on already is Indictment Number, for the first
12 one, is 9468 of 2012 and --

13 THE COURT: What's the sentence on that, two
14 years?

15 MS. REDDIN: Two years, Judge.

16 And the second one is 4852 of 2012, as well as --

17 THE COURT: Hold on, that's two years also?

18 MS. REDDIN: That, I believe, was one year. He
19 received two years on the prior indictment and then this
20 one year to run concurrent to that. As well as, I was
21 mentioning the V.C.E. case, Violent Criminal Enterprises
22 Conspiracy case he pled guilty to and took two years, that
23 Indictment Number is 5804 of 2015.

24 THE COURT: 5804 of 2015. What course was that,
25 E.C.B.?

PROCEEDINGS

38

1 MS. REDDIN: It was the Violent Criminal
2 Enterprises Unit in my office. I believe he took -- do you
3 know where he took the plea, Mr. Booth?

4 (Whereupon defense counsel conferred with the
5 defendant)

6 MS. REDDIN: I believe it was Part 40, Judge
7 Murphy, because that's where it tracks to, but I could be
8 wrong.

9 THE COURT: As long as I have the right
10 indictment number.

11 THE CLERK: Part 40.

12 THE COURT: What did he get there?

13 MS. REDDIN: Two years, your Honor, to run
14 concurrent to his sentences to BTC.

15 THE COURT: In addition, this Court will run the
16 BTC Indictment Number 9486 of 2012, which is a two-year
17 sentence, that sentence will run concurrent with the
18 sentence imposed herein. And there is apparently a
19 one-year sentence under 4852 of 2012, that is also to run
20 concurrent with the sentences here. And there apparently
21 is another indictment, 5804 of 2015; is that right?

22 MS. REDDIN: Yes, Judge.

23 THE COURT: Where you've been sentenced to two
24 years there. That will also run concurrent with the
25 sentences herein. So all of the sentences are to run

PROCEEDINGS

39

1 concurrent. The fees and fines will be deducted from your
2 commissary account.

3 Is that accurate, D.A.?

4 MS. REDDIN: Yes, Judge.

5 THE COURT: Very well. You understand that,
6 Mr. Booth; right?

7 MR. BOOTH: I do, your Honor. The client had one
8 question with respect to the DNA fee. He was charged a DNA
9 fee on all those other indictments, so he would ask the
10 Court consider waiving it again. How many times can they
11 take it?

12 THE COURT: Unfortunately -- it used to be that
13 we can do that, but now the legislature, in its wisdom, has
14 said there's DNA on every conviction. So application
15 denied, Mr. Booth. Very well.

16 Do you understand that to be the promised
17 sentence of the Court?

18 DEFENDANT JACKSON: Yes.

19 THE COURT: Very well. Do you have any questions
20 for your attorney regarding the plea and the promised
21 sentences?

22 (Whereupon defense counsel conferred with the
23 defendant)

24 DEFENDANT JACKSON: No.

25 THE COURT: Very well. Are the People of the

PROCEEDINGS

40

1 State of New York by the District Attorney's Office
2 satisfied with the allocution thus far?

3 MS. REDDIN: Yes, Judge.

4 THE COURT: Very well. The Court is satisfied
5 with the plea.

6 Please arraign the defendant on his plea.

7 THE CLERK: Sir, what is your true name?

8 DEFENDANT JACKSON: Tyquan Jackson.

9 THE CLERK: Is Mr. Booth, who stands beside you,
10 your attorney?

11 DEFENDANT JACKSON: Yes.

12 THE CLERK: Having been advised at arraignment
13 that a plea in this matter will subject you to a suspension
14 of your license to drive a motor vehicle for six months,
15 along with other penalties, as required by Section 510 of
16 the Vehicle and Traffic Law, you are instructed that on the
17 date of sentencing, you are to surrender to the Court your
18 license or permit to drive a motor vehicle. You're also
19 advised that at the time of sentencing, a mandatory
20 surcharge and Crime Victim's Assistance Fee will be imposed
21 as required by Section 60.35 of the Penal Law.

22 Sir, do you now wish to withdraw your
23 previously-entered plea of not guilty heretofore entered
24 under Indictment 3599 of 2015 and do you now wish to plead
25 guilty to Count 1, Criminal Possession of a Weapon in the

PROCEEDINGS

41

1 Second Degree, and Count 10, Criminal Possession of a
2 Controlled Substance in the Fifth Degree, in full
3 satisfaction of this indictment; is that what you wish to
4 do, is plead guilty?

5 DEFENDANT JACKSON: Yes.

6 THE CLERK: The plea is entered.

7 THE COURT: Very well. We're going to put this
8 matter down for sentencing, how is June 29, for you,
9 Mr. Booth?

10 MR. BOOTH: Can I check, your Honor?

11 THE COURT: Sure.

12 MR. BOOTH: That's fine.

13 THE COURT: I'm just going to suggest, Mr. Booth,
14 while you have mom here and family, you may want to find
15 out where his permit is so that can be surrendered, if you
16 can.

17 MR. BOOTH: He's been incarcerated now for quite
18 some time.

19 THE COURT: It's probably expired.

20 MR. BOOTH: The defendant had one other question
21 about the GORA registration. If he resides outside of New
22 York, what are his responsibilities thereto?

23 THE COURT: I believe, and I'll double-check
24 between now and sentencing, that basically as soon as he's
25 released from State custody, he should report to probably

PROCEEDINGS

42

1 the nearest precinct here in the State of New York and then
2 possibly -- he may be required to go to his home state as
3 well.

4 THE CLERK: Within 48 hours.

5 THE COURT: Since he's not going to be a
6 resident --

7 MR. BOOTH: His question is if he moves outside
8 of New York during the four-year period, according to the
9 registration, when I read the forms, all the instructions
10 were if you live in New York, it didn't say what you must
11 do if you live outside.

12 THE COURT: We can look into it further. I'll
13 ask the D.A. to take a look into it as well.

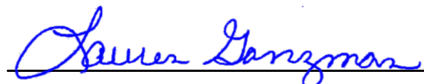
14 MS. REDDIN: Sure, Judge.

15 THE COURT: Very well. Remand on the defendant.
16 Thank you.

17 MS. REDDIN: Thank you, Judge.

18 * * * * *

19 CERTIFIED TO BE A TRUE AND ACCURATE
20 TRANSCRIPT OF THE MINUTES TAKEN IN THE
21 ABOVE-TITLED PROCEEDING.

22
23 
24 LAUREN K. GANZMAN
25 SENIOR COURT REPORTER